



# TOWN AND COUNTRY PLANNING ACT 1990

## NOTICE OF PLANNING PERMISSION

Applicant / Agent Name And Address

LICHFIELDS  
HEATHER OVERHEAD  
THE ST. NICHOLAS BUILDING  
ST. NICHOLAS STREET  
NEWCASTLE UPON TYNE  
NE1 1RF

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**Reference No: R/2020/0318/FFM**

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on: 8 July 2020

**Details:        ENGINEERING OPERATIONS ASSOCIATED WITH GROUND  
REMEDICATION AND PREPARATION INCLUDING REMOVAL OF  
FORMER RAILWAY EMBANKMENT AND WORKS TO HOLME BECK  
AND KNITTING WIFE BECK**

**Location:      LAND AT PRAIRIE SITE GRANGETOWN**

**Applicant:     SOUTH TEES DEVELOPMENT CORPORATION**

Subject to the following condition(s):

1.     **The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.**

**REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

2.     **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Location Plan (Dwg No. STDC-SIZ-GP-EWO-0009) received by the Local Planning Authority on 25/06/2020**

**Dig Depths Plan (Dwg No. 10035117-AUK-XX-XX-DR-ZZ-0075-03-Prairie\_Rem\_Ex) received by the Local Planning Authority on 25/06/2020**

**REASON: To accord with the terms of the planning application.**

3.     **Any excavation works hereby approved shall not exceed the maximum depths of excavation as shown on plan ref. 10035117-AUK-XX-XX-DR-ZZ-0075-03 received by the Local Planning Authority on 25/06/2020 unless otherwise agreed in writing with the local planning authority.**

**DECFFG**

**REASON:** To accord with the terms of the planning application.

4. No phase of development shall take place until a Construction Environmental Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period of that phase. The CEMP shall include details of any phasing of the approved works across the site and shall demonstrate how the mitigation measures set out in the Habitats Regulations Assessment, Arup, dated 23 June 2020 have been incorporated in the construction methods. The CEMP shall also include the following details:

- i The method to be used to control the emission of dust, noise and vibration from construction works, including any details of any mitigation measures required;
- ii Measures to control the deposit of mud and debris on adjoining public highways
- iii Site fencing and security
- iv Temporary contractors' buildings, plant, storage of materials, lighting and parking for site operatives
- v The use of temporary generators
- vi The arrangement or turning of vehicles within the site so that they may enter and leave in forward gear
- vii A risk assessment of construction activities with potentially damaging effects on local ecological receptors including any measures to protect those receptors during construction
- viii Roles and responsibilities for the implementation of the CEMP requirements and measures.
- ix Measures to control invasive plant species

**REASON:** In the interest of neighbour amenity, highways safety and protection of sites of ecological value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

**REASON FOR PRE-COMMENCEMENT:** The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

5. No phase of development shall commence until a scheme to deal with any site contamination within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to human health. Development shall only proceed in accordance with the approved scheme.

**REASON :** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**REASON FOR PRE-COMMENCEMENT:** The information is required prior to any works commencing on site as it relates to land contamination details which are often the first works on site and relate to site preparation.

6. **Within 12 months of the grant of this planning permission, an Environment and Biodiversity Strategy shall be prepared and submitted to the local planning authority that confirms the feasibility of providing compensatory habitat equivalent to 173.58 Biodiversity Units, (including habitats identified as of High Distinctiveness in Table 4 of the Arup Ecological Impact Assessment, 24 June 2020) within the site and / or off-site, and the mechanisms for its provision and on-going management. That Strategy shall be approved by the local planning authority. Thereafter, and where compensatory provision is demonstrated within the Strategy to be feasible and deliverable, it shall be carried out in accordance with the Strategy prior to each phase of development commencing following the approval of reserved matters.**

**REASON:** In the interest of the ecological value and long-term maintenance of the site in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

7. **No phase of development shall take place until a written scheme of investigation (WSI) for archaeological work within that phase has been submitted to and approved in writing by the local planning authority. The WSI shall as a minimum make provision for:**
- (i) Before remediation or development commences, archaeological evaluation of borehole and trenching data**
  - (ii) Before remediation or development commences, initial archaeological survey (drawn and photographed) of the whole application site, with particular emphasis on the remains the subject of preservation in situ**
  - (iii) Where practical and before remediation or construction works takes place on site an archaeological strip, map and sample of remains of high significance suggested by the borehole/trenching data, or observed during the initial survey**
  - (iv) An archaeological watching brief of all ground disturbance during the remediation works and during construction ground works in areas identified as archaeologically sensitive**
  - (v) Protection during development, followed by consolidation and preservation of high value remains left in situ**
  - (vi) a general programme of works and monitoring arrangements, including reasonable notification to the local planning authority of commencement of works**
  - (vii) details of staff involvement in carrying out the work (including specialists), and their qualifications and responsibilities**
  - (viii) the timetable for completing post-excavation assessment.**
- (a) Provision for the analysis, archiving and publication of the results of the archaeological surveys and excavations shall be secured to the satisfaction of the local planning authority by the developer before the development is brought into use.**

(b) The development shall not without the prior written approval of the local planning authority be carried out otherwise than in accordance with the approved WSI, and the consolidation and preservation of on-site remains as provided for in the WSI (or as otherwise agreed at any time in writing by the local planning authority) shall be secured by the developer and/or landowner on an on-going basis.

**REASON:** The site contains remains of significant archaeological interest, some of which merit preservation in situ.

**REASON FOR PRE-COMMENCEMENT:** A pre-commencement condition is required to ensure that no remains are disturbed or otherwise compromised by site excavation of other ground works.

8. Prior to any works being undertaken to any open or culverted watercourse within the site, details comprising engineering drawings including cross sections of the works shall be submitted to and approved by the local planning authority. The works shall thereafter be carried out in accordance with those details.

**REASON:** To ensure the development is carried out in accordance with approved details relating to works involving the culvert.

9. There shall be no site vegetation clearance between March to the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

**REASON:** To conserve protected species and their habitat in accordance with policy N4 of the Local Plan.

**Statement of Co-operative Working:** The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.



Signed:

**Andrew Carter**  
**Assistant Director Economic Growth**

Date: **30 September 2020**

**YOUR ATTENTION IS DRAWN TO INFORMATIVE NOTES BELOW:**

**INFORMATIVE NOTE:**

The conditions above should be read carefully and it is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

Please note that in order to discharge any conditions, a fee is payable in respect to this.

Failure on the part of the developer to fully meet the terms of any conditions which require the submission of details prior to the commencement of development may result in the development being considered unlawful and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal action in the form of a Breach of Condition notice.

**APPROVAL INFORMATIVE:**

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Consent under the current Building Regulations may also be required for the development before work can commence.

**County of Cleveland Act, 1987 – Facilities for Fire Fighting**

Section 5 of this Act requires that, where building regulation plans for the erection or extension of a building are deposited with the Council, the Council must reject the plans if it is not satisfied:

- That there will be adequate means of access for the Fire Brigade
- That the building or extension will not make means of access for the Fire Brigade to any neighbouring building inadequate
- If the building could be used for commercial or industrial purposes, that there is provision for installation of fire hydrants or other provision for an adequate supply of water for firefighting purposes.

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within the timeframes stated below:

- **12 weeks** of the date of this notice for a householder application/minor commercial application;
- **six months** of the date of this notice for other planning applications
- **8 weeks** in the case of any advertisement

using a form which you can get from the Secretary of State at **Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, (Tel: 0303 444 5000)** or online at

<https://www.gov.uk/planning-inspectorate>. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have it granted

without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In the circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to them. These circumstances are set out in Section 114 and related provisions of the Town & Country Planning Act 1990.

### **The Highways Act 1980 (Sections 131, 133 and 171)**

Prior to commencing work on any development which entails interference with an adopted Highway a developer/contractor is required to obtain the consent of the Engineering (Highways Team). Such consent will not unreasonably be withheld but will be conditional upon obtaining a "Road Opening And Reinstatement" Consent and signing an "Undertaking To Pay For Works".

### **The Building Act 1984 (Section 80)**

Prior to commencing work on any development which entails the demolition of part, or all of a building a developer or contractor is required to obtain the consent of the Engineering Team. Consent will be conditional on the Local Authority receiving the appropriate forms. Forms can be obtained direct from the Engineering Team.